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SPECIAL NOTICE.

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JOHN B. GIBBES,
No. 42 Cedar St. New York.

From the Raleigh Sentinel.

The "Constitutional Convention,"
(So-called.)

Monday, Feb. 17, 1868.

The Convention was called to order at 10 o'clock.

Prayer by the Rev. Mr. Hudson, of the city.

The Journal of Saturday was read and approved.

At the suggestion of Mr. Abbott, the names of absentees, at the time of voting, hereafter, were ordered to be recorded.

RESOLUTIONS, ORDINANCES, &c.

By Mr. Abbott: An ordinance in reference to freight on the Wilmington and Weldon and North Carolina Railroads.—Referred.

CALENDAR.

Mr. Rich called up his ordinance, reported by the Committee, establishing an Immigration Agency in New York.

Mr. Rich moved to amend by inserting in line 7, after "years," the words "under the direction of the Bureau of Statistics and Immigration."

Mr. McDonald, of Chatham, moved to strike out "\$2,500" (salary) and insert "\$2,000."

Mr. Rich objected to it.

Mr. McDonald then proceeded to advocate his amendment.

Mr. Congleton objected to the whole matter.

Mr. Ashley favored the ordinance as amended by Mr. Rich, and a salary of \$2,500 per annum for the agent.

The question recurring upon Mr. McDonald's amendment, he called for the yeas and nays.

The call was sustained and the vote stood—yeas 43, nays 20.

Mr. McDonald moved to further amend by striking out the 3d line after the word "shall," and inserting "the people shall elect."

Mr. Congleton moved to postpone the matter indefinitely.

Mr. Abbott thought the matter too important to be so lightly dealt with. He moved it to be postponed to a day certain.

Mr. Jones, of Washington, was speaking upon the subject, when the Chair announced that the hour had arrived to consider the

SPECIAL ORDER.

viz: The report of the Committee on Corporations, other than Municipal.

The question recurring upon Mr. Tourgee's substitute offered several days ago, when this report was considered, for sections 4, 5, 6, 7, 8, 9 and 10 to come in as section 4, to wit: "That no Bank of issue shall be established under the authority of the State."

Mr. Jones, of Washington, spoke in opposition to the proposed substitute.

Mr. Welker supported Mr. Tourgee's substitute, and gave his reasons at some length for so doing.

By request of Mr. Rodman, the question was divided, and the Convention decided to strike out; when

Mr. Rodman said if the amendment of Mr. Tourgee prevailed, and the national currency was withdrawn, only the Bank notes of other States could circulate here. Therefore he was opposed to the amendment.

The substitute was put to a vote and lost.

Mr. Welker moved to strike out section 10, and refer it to the Committee on Municipal Corporations. Lost.

Messrs. Jones, of Washington, and Heaton, thought the section in its proper place.

The section, as reported by the committee, was then adopted.

By consent, Mr. Abbott introduced a bill to revive the charter of the Deep River and Goldfields Railroad, with amendments.—Referred.

Also, Mr. Watts offered an ordinance to prohibit the collection of debts contracted for purchase of slaves or hire of slaves, or in aid of the rebellion. Ordered to be printed.

The minority report of the Committee on Homesteads was taken up, by motion of its chairman, Mr. Jones, of Caldwell, and considered for the second time.

Mr. Jones said that the committee had concluded to report a bill prospective in its character, as a retrospective bill would amount to repudiation and tend to create animosity between man and man, &c.

Mr. Morton was opposed to the report, and moved to postpone the consideration of it until to-morrow week.

Mr. Morton amended his motion, at the suggestion of several gentlemen, so as to postpone until Thursday next. Carried.

Mr. McDonald, of Chatham, called up his ordinance in favor of H. B. Guthrie, Sheriff of Orange county, as he wished it referred to a select committee, appointed by the Chair. Agreed to.

Mr. Watts called up his ordinance, viz: "That no trustee or mortgagee, in any mortgage or deed in trust made to secure debts contracted prior to May 1st, 1865, shall sell the property conveyed to him by such deed before the 1st of July, 1868, or the expiration of the Constitution, which the Convention has not to form, whichever may first happen, except by consent of the grantor in such deed, or unless the property conveyed by said deed (if it be land) shall bring at the sale the sum at which it was assessed for taxation in the year 1860."

Mr. Jones, of Washington, said that this amounted to nothing more or less than repudiation. He characterized it as being monstrous, and entered into quite a lengthy argument in opposition to the ordinance.

Harris, of Wake, (negro), made a speech in favor of it, and, as far as reputation is concerned, scouted the very idea of it. He contended that the ordinance did not contain a iota of it in its provisions.

Mr. May said that they were called a Constitutional Convention, but, upon reviewing the work accomplished, it would seem that it was an improper term. Weeks of idleness and nothing done, and almost nothing considered, but things of a legislative character. If things were to go on this way, the session would be protracted to an extent unheard of. He thought this subject foreign to the legitimate business of the Convention and he favored the voting down of all such propositions, until the proper business of this Convention has been accomplished.

Mr. Jones, of Caldwell, moved to amend as follows: "That the Trustee shall take measures to prevent the waste of the property, and, if in houses and lands, control

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WILMINGTON, N. C., FRIDAY MORNING, FEBRUARY 28, 1868.

No. 3.

RATES OF ADVERTISING.

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Special Notices will be charged \$2.00 per square for each and every insertion.
All Obituaries and private publications of every character, are charged as advertisements.
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the rents of the same, so as to apply to the payment of the interest on the debt secured by the trust."

Mr. Watts advocated the measure at some length.

Mr. Jones withdrew his amendment.

Mr. Forkner moved to postpone until the adoption of the Constitution.

Mr. Morton called the yeas and nays, and the roll being called, resulted—yeas 54, nays 38.

Mr. Jones, of Washington, a resolution that this Convention will not entertain any proposition of merely a legislative character, after the hour of 11 o'clock, each day, until the reports of the committees appointed to report matters looking to the formation of a Constitution, shall be considered and a Constitution formed.

Mr. Jones moved to suspend the rules and adopt at once.

The rules were suspended, when

Mr. Welker moved to lay it on the table.

Mr. Jones demanded the yeas and nays. The call was sustained and resulted—yeas 36, nays 53.

Mr. Watts offered an amendment to the resolution, that no member shall speak more than ten minutes upon any subject except upon reports of standing committees.

Mr. Abbott moved to lay the amendment on the table. Carried.

Mr. Jones then moved to adopt the resolution.

Mr. Rodman moved to amend, by saying "except when there is no other business before the Convention."

The yeas and nays were called upon this amendment, and the vote stood: yeas 53, nays 45.

The resolution, as amended, was adopted.

By consent, Mr. Abbott introduced the following resolution:

"That the contingent expenses of this Convention, including those for labor, be not paid until audited by the Committee on contingent expenses and vouchered for by the President and Secretary."

The rules were suspended and the resolution adopted.

Mr. King, of Lenoir, also by permission, an ordinance concerning the qualification of widows in administering on estates.—Lies over.

The Chair announced the following Committee on the case of H. B. Guthrie, Sheriff of Orange, viz: Messrs. McDonald, of Chatham, King, of Lenoir, McCubbins, Nicholson and Smith.

On motion, the House adjourned until 7 o'clock this evening.

NIGHT SESSION.

Monday, Feb. 17, 1868.

The Convention was called to order according to adjournment, at 7 o'clock.

By Messrs. of Halifax, (negro): A resolution that the servants employed by the Convention be paid \$2 per day. On motion the rules were suspended, and the resolution adopted.

Mr. Hodnett wished to know who the servants were, and their number. He said that the Doorkeepers were there to do the necessary work. He was opposed to such unnecessary extravagance.

The resolution was then referred to the committee on Contingent Expenses.

Mr. Forkner called up his resolution in regard to raising a committee to report a day when, in their opinion, this Convention should adjourn sine die.

The rules were suspended and the resolution adopted.

On motion of Mr. Abbott, the Bill of Rights was taken up and considered on its third reading.

The Clerk proceeded to read the Bill, when

Mr. Heaton said that the whole thing was out of order. The committee on Engrusment should have reported the bill as being correctly engrossed. Several errors were in it that should be corrected. This was too important a matter to be hurried over in this way, and besides, an example of system and regularity should be set; and therefore it should now go to the committee on Engrusment for correction, and be taken up the first thing in the morning.

Mr. Heaton moved to postpone and make it the special order for to-morrow at 10 o'clock.

Mr. King, of Lenoir, said the Suffrage question was the special order for to-morrow; he thought the errors should be corrected now and the bill be proceeded with.

Mr. Heaton withdrew his motion to postpone, in order to allow Mr. Rodman to amend section 17, by adding to it the following: "And this remedy shall not be suspended except in time of war, insurrection or invasion; and to strike out the 20th section."

Mr. Rodman gave his reasons for offering his amendment. He thought there were times when the safety of the government required that the writ of *habeas corpus* should be suspended. It was a vain thing to put it in the Constitution that this writ shall never be suspended. In times of war, in the case of arms, this provision would not be regarded. It was an old and true saying that "during arms are silent." He advocated his amendment at some length.

Mr. King, of Lenoir, said that North Carolina could not go to war with any power. The General Government alone could do that, and the Constitution of the United States provided that the writ could be suspended when the necessities of the country required it. He was opposed to putting such a thing in the Constitution of North Carolina as allowing that writ to be suspended. He said that some cases that happened during the war, and closed by saying that, according to Mr. Rodman's arguments, North Carolina was an independent power, and could go to war with the United States or any other country.

Mr. Rodman replied, substantially repeating his former argument, and citing instances that might occur, in times of an invasion of the State by foreign forces, aided and abetted by traitors at home, when Congress was not in session, &c.

Mr. King responded in quite a lengthy argument in support of his position in the matter.

Mr. Welker said that it was almost the only bright spot in the record of the Confederate Congress, that it was with the utmost difficulty that they could be got to suspend this writ, and for a long time.

He thought gentlemen should recollect Salisbury when they were casting their votes upon this measure. He opposed Mr. Rodman's amendment.

Mr. Abbott wished to form a government, free, republican and just in its provisions, yet they should form one strong enough to sustain and protect itself. He supported Mr. Rodman's amendment.

Mr. Nicholson offered the following substitute for the 17th section: "Every person, restrained of his liberty, shall be entitled to the privileges of the writ of *habeas corpus* or other remedy to inquire into the lawfulness thereof, and such writ, or such remedy, ought not to be denied or delayed."

Mr. Jones, of Washington, thought that

the people of this State, with their experience in the past, should be very jealous, indeed, of incorporating in their Constitution such a thing as allowing the suspension of this writ. He favored the sections, as reported by the Committee.

Mr. Nicholson withdrew his substitute.

The question recurring upon Mr. Rodman's amendment, Mr. King, of Lenoir, called for the yeas and nays, and the call being sustained, the vote resulted, yeas 6, nays 71.

Mr. Congleton moved to amend the 6th section by striking out all before the word "State," in the 4th line. His object was to have the assumption of the old debt left with the Legislature. It had been corrected by the Legislature and should be assumed by it. But, during his remarks, it leaked out that he thought it was a dangerous thing for the Republican party to handle in this Convention, and the assumption of the old debt would detract from the strength of the party, and, therefore, he thought the policy of "happy off" would at present be most politic. He further declared that should they fail, (i. e. his party,) he would leave the State, (oh I dear I for with the men of the so-called Conservative party he could not and would not affiliate.) (A loud back-a-day.)

Hayes, of Halifax, (negro), interrupted the Speaker, asking him several questions, regarding the effects of repudiation, and said if this Convention should pass any measure tending that way, we might as well "depart to your sister city."

Mr. Welker favored Mr. Congleton's amendment, and

Mr. Congleton again solemnly warned the Convention, pledging the faith of the State against repudiation.

Mr. Heaton spoke in defence of the section as it stood. He took the same ground as he did some days ago in opposition to looking to the repudiation of the State debt contracted before and since the war.

Mr. McDonald, of Chatham, said he would strike out the whole section, if he had the power. He concurred with the gentleman from Guilford, (Messrs. Tourgee and Welker,) and he would see to it that the people should be called on to assume a debt of \$15,000,000, and called for the yeas and nays.

Galloway, (negro), said that the gentleman from Chatham, (Mr. McDonald,) was continually insinuating that the debt of North Carolina was contracted for the purchase of slaves, but it was not so. That debt was sound now, every dollar of it. He hoped the gentleman would be allowed to have his say and nays, and he would see to it what party the gentleman belonged to, and how he stood. As for him, (Galloway,) he would vote for every honest North Carolinian vote.

Mr. King, of Lenoir, thought this matter should be left to the Legislature.

Harris, of Wake, (negro), opposed the amendment, and favored the section as it stood.

The question recurring upon Mr. Congleton's amendment, The yeas and nays were called and resulted—yeas 10, nays 60.

On motion of Aydlott, the House adjourned until to-morrow 10 o'clock.

MORNING SESSION.

Tuesday, Feb. 18, 1868.

The Convention was called to order at 10 o'clock.

Prayer by the Rev. Mr. Franklin, of the Convention.

Mr. Read presented a petition from Edward Shroyer, of Warren, for a divorce.—Referred.

Mr. King, of Lenoir, from the committee on Contingent Expenses, a report in favor of E. C. Barlett, allowing him *per diem* for one day's attendance upon this Convention and mileage for 200 miles.—Adopted.

RESOLUTIONS, ORDINANCES, &c.

Mr. Morton, an ordinance in favor of repealing an act prohibiting the sale of spirituous liquors at Company Shops. Lies over.

According to a motion made and carried, the Bill of Rights was read for the third time, when

Mr. Watts, in section 6th, 5th line, moved to insert, after the word "pay," the words "or authorized the collections of."

Carried.

Mr. Durham moved to strike out, in section 20, all after the word "restrain."

Mr. Abbott wished to know his reason for so amending.

Mr. Durham replied that these were days of bitter party strife, and if we leave the liberty of the press a matter for a Legislature to decide how far and in what way it shall be exercised, we leave the question entirely in the hands of the party that happens to be in the ascendancy. According to the present state of the mind of the Legislature, just how far a paper opposed to them in politics should reflect upon even their political acts and opinions. He protested against anything of this kind being incorporated in the Constitution.—There was no precedent for such a proceeding.

Messrs. Abbott and Rodman opposed the amendment, on various grounds.

Mr. Durham said that it is a common law right to protect one's character against libel; and what was the necessity to make a statutory right in this particular, when such a measure left the great bulwark of liberty—the freedom of the press—liable to be tampered with by partisans that held the reins of political power in their hands? This was the character of the acts of a Legislature, and the acts of a Legislature were fast sweeping from existence every time-honored landmark and custom that the true people of this State loved and venerated. He was opposed to leaving a Legislature, that would be swayed and controlled by party doctrines and prejudices, at liberty to prescribe what limit the press of the State should enjoy. If such a thing is incorporated in the Constitution the time will come when a free and full discussion, reflecting upon the acts of a party in power, will be denied to their opponents.

Mr. D. called for the yeas and nays. The call was sustained and the vote stood—yeas 24, nays 80.

In section 24 Mr. Durham moved to add the words "and without representation in Congress."

Mr. Heaton said at the time this Constitution was adopted representation would be allowed us.

Mr. Durham said the people had paid taxes without having such representation, and he wished the world to know that, though defenceless and unable to protect ourselves from this gross injustice, yet we protest against this outrage upon our liberties.

Mr. D. asked the yeas and nays, but they were refused.

The amendment was put to a vote and lost.

The section, as it stood, was adopted.

Mr. Abbott moved as a substitute for the 20th section, the following: "That the

privileges of the writ of *habeas corpus* shall not be suspended." Carried.

Mr. Graham, of Orange, moved to amend section 24 by striking out the first paragraph and inserting: "As a well regulated militia is necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed upon."

Mr. G. said he did not care whether it was adopted or not, but he wished to express his sentiments for the believed the right to keep, as well as to bear, arms sacred, and should not be violated.

After some debate a vote was taken and the amendment adopted.

Mr. Heaton moved that the Bill be put on its final passage, and called for the yeas and nays.

The roll was called and resulted—yeas 87, nays 20.

The following delegates voted in the negative, viz: Messrs. Baker, Bradley, Conley, Pool, the Chairman, Bradley, Conley, of Orange, Hare, Hodnett, Lennan, Long, Marler, McCubbins, Merritt, Murphy, Satterlin, Taylor, Turner, Welker and Williams, of Sampson.

The majority report and several minority reports accompanying were read.

Mr. Pool, the Chairman, said that the committee had tried to conform to the requirements of Congress, and not to go one jot beyond the provisions of its acts.

He commenced his remarks by reviewing the several minority reports, particularly the one by Messrs. Durham and Graham, of Orange.

He offered the usual radical increase and adulation at the altar of the "lately enfranchised," but did not favor a sweeping disfranchisement of all Southern men, most especially those who were Union men during the war. He regarded universal suffrage and eligibility to hold office, he thought that every male citizen born in the Union, or naturalized, had an inherent right to vote and hold office.

His declaration that he would support *franchise* upon a reasonable number of them, he declared, *disfranchisement*.

He declared that prior to the Reconstruction Acts, it was impossible for a colored man to get justice in a Court House.

He declared that he was a property qualification to hold office in the State had completely played out. He made what was designed to be some very touching allusions to the demerits of the General Government, in sparing the lives of the participants in the rebellion, and in regard to the action of several Northern States in regard to negro suffrage. Ohio, New York, California, and some others, had caused the Republicans in this section to blush (black) with shame, and he had strong hopes that some day the visiting youth and delegation in this matter, would have such a good effect upon them, that another election would tell a different tale. He agreed with the Conservatives that this was a State, but, unlike them, he did not think she had any right to be so. He thought it due to the minority reports and advocating that of the majority.

Mr. French, of Chowan, followed, as he was the author of one of the minority reports, and he thought it due to himself to explain the reasons that induced him to change his opinions. When the South consented, generally to the emancipation of the slaves, they tacitly consented, as a natural consequence, that those who should have all the rights and privileges of the ballot box, &c. He was also opposed to the disfranchisement of anybody.

Mr. Congleton read a speech. He was for universal suffrage, and, on mature consideration, had fallen in with Mr. Pool's ideas on the subject.

Mr. Marler said that he did not wish to be one of those who took up the time of the Convention in letting off gas, thereby insulting the people's money, especially in their present impoverished condition. But as this was a matter of great importance, in which every honest man, woman and child is deeply concerned, he asked the House to indulge him in a few remarks.

He wished to express his sentiments, and those of his constituency in regard to the matter of universal suffrage to the colored people. He hoped gentlemen would pause and reflect before they should declare that the Caucasian race in this State should not vote in the past, be kept above that of the African. Shall not the descendants of those white men who poured out their blood to establish this government, rule over the destinies of the State? Or shall people be lodged in the hands of an ignorant, superstitious and abject race, who would not be able to govern themselves, and who could get nothing at home, in order to seize the reins of power, control the government and institutions that our native whites and their children have been taxed to build up?

He was not prepared to argue against the colored man. The people of this section have as little, and perhaps less prejudice against them than any other people on the face of the globe. But he was opposed to granting them suffrage; first, because he was firmly convinced, as he thought every man who had given this subject any thought, must be, that the negro in his present ignorant condition, is incapable of exercising with discretion the right of suffrage; and it did seem to him, if no other reason could be assigned, that that of itself was sufficiently valid to exclude them from this great right.

Mr. M. next showed the moral impossibility of the negro's ability to qualify himself as a voter, having just emerged from a bondage that precluded the possibility of having fitted himself, in any way, to exercise the right of voting in a proper and intelligent manner. True, there were some few, very few exceptions to this general rule, but we cannot discriminate; we must judge them as a class. As an average, there was not one in five hundred that could read or write.

He wished to know, using the language of another, "if these men, who are thus ignorant, were capable of exercising political franchises? Were they capable of self-government? Could they be regarded as intelligent voters? Could they be regarded as independent voters? Could their judgments be relied upon?" He thought the response, from every fair-minded and intelligent man, must be No. Why, then, did gentlemen so strenuously contend for universal negro suffrage? Why did they wish to place the negro in his present condition, on a political equality with the intelligent white man of this country? He thought the true answer to that was, because some white men have despaired of governing this State, and they would respect and receive the support of the whites, and therefore, they profess great love for the colored race and advocate universal negro suffrage and political equality, in order to secure the negro vote, regardless of the happiness and welfare of their own race and color.

Galloway, (negro), said that the best blood in Brunswick county flowed in his veins, and if he could do it, in justice to the African race, he would lance himself and let it out. He did not want social equality.

Mr. Ashley arose to challenge an assertion that slaves had been brought into this State by New England ships. He went to give his authorities. The first information had been made into Virginia, when the Mayflower was making her way across the ocean.

Harris, (negro), would move to adjourn, with the understanding that he should have the floor to-night.

This was agreed to, and Harris, (negro), made the motion, but Harris, (negro), withdrew it, in order to allow Mr. Ladin to offer a report from the Committee on Redistricting the Congressional Districts.

On motion, it was made the special order for to-morrow at 10 o'clock.

Harris, (negro), renewed his motion to adjourn, which was carried.

NIGHT SESSION.

Wednesday, Feb. 19, 1868.

The Convention was called to order according to adjournment, at 7 o'clock.

The roll was called to ascertain whether there was a quorum present or not.

The Chair announced a quorum.

Mr. Abbott moved that the report of the committee on the petition from the table and made the special order for Monday next, at 10 o'clock. Carried.

Mr. Ellis said that he had heard that the delegate from New Hanover (Galloway, negro) had said that there had been women in his (Galloway's) county, during the war, hung up by their thumbs to make them tell where their husbands were. He wished to say that no such thing had been done.

The suffrage question was resumed.

Harris, of Wake, (negro), had the floor, and spoke at length, consuming the time of the Convention for over an hour.

Galloway, (negro), gave notice that to-morrow he would insist upon his substitute for the whole matter, and would call the previous question.

Harris, of Halifax, (negro), said "he did not think that the majority committee had no right to moot the question of removing the disabilities that Congress had imposed. They had been told here last night they might look out when the blue coats are gone, but with their eyes closed, they were deceived by this 'divorce case,' this morning, that he would yield the floor to any gentleman who might wish to speak on this subject."

No one evincing a desire to occupy the floor, Mr. Abbott commenced his speech by stating that voting had been exercised by all races and countries in some way or other. He cited the different manner in which the ballot was exercised by different nations in the earlier ages.

He believed that every one who had voluntarily borne arms against the government, was under the Constitution, guilty of treason, and was deprived of his former rights. He alluded to this, for he had heard a good deal of talk of the rights of those now disfranchised. Those who had no rights, save only what the conquering party gave them. The rights of this State had been alienated by participation in the rebellion, and would not be restored until the Congress saw fit to give them back to them.

Mr. Graham, of Orange, interrupted him, asking the question: "Do you consider that the government of the United States has a right to punish the States of the South, as being, or must it proceed against individuals; if so, can any further or other punishment than that prescribed by the Constitution, be inflicted?"